

Appl. No. 10/615,651
 Amdt AF dated September 29, 2006
 Reply to Final Office Action of August 2, 2006

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REMARKS

Applicant has carefully reviewed the Final Office Action mailed August 2, 2006, prior to preparing this response. Currently claims 1-11, 13, 14, and 35-41 are pending in the application, wherein claims 1-11, 13 and 35-41 have been rejected and claim 14 has been withdrawn from consideration consequent an Examiner-induced requirement for restriction. Favorable consideration of the following remarks is respectfully requested.

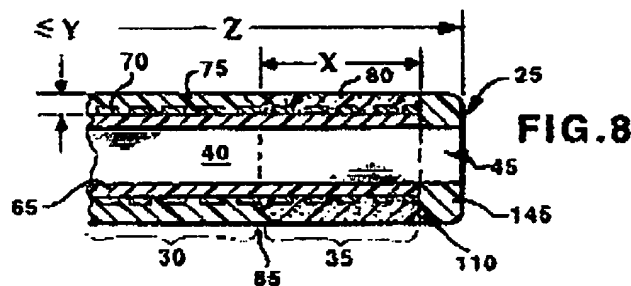
Claims 1, 11, 13 and 35-41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Noone et al., U.S. Patent No. 6,591,472. Applicant respectfully traverses this rejection.

Claim 1 recites in part:

subsequent to cutting through the braid layer and the inner lubricious liner, securing a second polymer segment over the braid layer, the second polymer segment extending over the first polymer segment and extending distally of the cutting position. (Emphasis added.)

As claimed, the second polymer segment extends distally of the cutting position and extends over the first polymer segment. Applicant respectfully asserts Noone et al. at least fail to reach this aspect of claim 1.

In rejecting claim 1, reference to Figure 8 of Noone et al., which is reproduced below, is made.



Referring to Figure 8, Noone et al. state:

FIG. 8 is a partial cross-section view of a distal catheter body end formed in accordance with the fabrication steps of FIGS. 1 and 2 and having a discrete distal soft tip 45 attached thereto in the final fabrication step S212. The discrete distal soft tip 145 can also be formed at the distal catheter body end 25 of the other embodiments of the invention described hereinafter. The distal soft tip 145 can be

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formed with radiopaque material encased therein and can be shaped and attached to form the distal catheter body end 25 in a manner disclosed in the above-referenced '910 patent to Lunn or the '149 patent to Brin et al. or in the above-referenced copending '241 patent application. (Column 12, lines 52-63.)

In formulating the rejection, the Examiner apparently equates the distal soft tip 45, 145 taught in Noone et al. with the second polymer segment currently claimed in claim 1. Applicant respectfully disagrees. The distal soft tip 45, 145 is abutted to the catheter shaft at reference numeral 110. Thus, as shown in Figure 8, no portion of the distal soft tip 45, 145 (which is a discrete member as evidenced at line 54 of column 12) extends over another polymer segment. This is evidenced by the fact that various components of the catheter are represented by various cross-hatching. All other components of the catheter end at the dashed lines at reference numeral 110 and no other component of the catheter disclosed at Figure 8 extends into the portion of the catheter defined by the distal soft tip 45, 145. Thus, no portion of the distal tip disclosed in Figure 8 of Noone et al. extends over another portion of the catheter as currently claimed.

Thus, for at least this reason Noone et al. fail to meet the all the limitations of claim 1. Withdrawal of the rejection of claim 1, as well as claims 11 and 13 which depend from claim 1 and add significant additional limitations, is respectfully requested.

Similarly, claim 35 recites "securing a polymeric outer segment over at least the securement layer such that a portion of the polymeric outer segment extends distally of the cutting location." The Examiner apparently equates the distal soft tip 45, 145 taught in Noone et al. with the polymeric outer segment claimed in claim 35. Applicant respectfully disagrees. As mentioned above, the distal soft tip 45, 145 is abutted to the catheter shaft at reference numeral 110. Thus, as shown in Figure 8, no portion of the distal soft tip 45, 145 (which is a discrete member as evidenced at line 54 of column 12) extends over another portion of the catheter.

Thus, for at least this reason Noone et al. fail to meet the all the limitations of claim 35. Withdrawal of the rejection of claim 35, as well as claims 36-39 which depend from claim 35 and add significant additional limitations, is respectfully requested.

Similarly, claim 40 recites "securing a second polymer segment over the catheter sub-assembly, the second polymer segment extending over the first polymer segment of the catheter sub-assembly and extending distally of the distal end of the catheter sub-assembly. The Examiner apparently equates the distal soft tip 45, 145 taught in Noone et al. with the second

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polymer segment claimed in claim 40. Applicant respectfully disagrees. As mentioned above, the distal soft tip 45, 145 is abutted to the catheter shaft at reference numeral 110. Thus, as shown in Figure 8, no portion of the distal soft tip 45, 145 (which is a discrete member as evidenced at line 54 of column 12) extends over another portion of the catheter.

Thus, for at least this reason Noone et al. fail to meet the all the limitations of claim 40. Withdrawal of the rejection of claim 40, as well as claim 41 which depends from claim 40 and adds significant additional limitations, is respectfully requested.

Claims 2-5, 7 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noone et al., U.S. Patent No. 6,591,472, in view of Wilson, U.S. Patent No. 5,951,929. Applicant respectfully traverses this rejection. Claims 2-5, 7 and 9-10, which depend from claim 1 and include significant additional limitations, are believed similarly patentable over the cited art. Shortcomings of Noone et al. are discussed above regarding claim 1. Wilson fails to remedy the noted shortcomings of Noone et al. Therefore, a *prima facie* case of obviousness has not been established with the cited combination. Withdrawal of the rejection is respectfully requested.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noone et al., U.S. Patent No. 6,591,472, and Wilson, U.S. Patent No. 5,951,929, in view of Zadno-Azizi, U.S. Patent Publication No. 2004/0015150. Applicant respectfully traverses this rejection. Claim 6, which depends from claim 1 and includes significant additional limitations, is believed similarly patentable over the cited art. Shortcomings of Noone et al. are discussed above regarding claim 1. Neither Zadno-Azizi nor Wilson are believed to remedy the noted shortcomings of Noone et al. Therefore, a *prima facie* case of obviousness has not been established with the cited combination. Withdrawal of the rejection is respectfully requested.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noone et al., U.S. Patent No. 6,591,472, in view of Ashiya et al., U.S. Patent No. 5,947,925. Applicant respectfully traverses this rejection. Claim 8, which depends from claim 1 and includes significant additional limitations, is believed similarly patentable over the cited art. Shortcomings of Noone et al. are discussed above regarding claim 1. Ashiya et al. fail to remedy the noted shortcomings of Noone et al. Therefore, a *prima facie* case of obviousness has not been established with the cited combination. Withdrawal of the rejection is respectfully requested.

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Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Pu Zhou

By his Attorney,

Date: _____

9/29/06



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